THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.9315 of 2007

Between:

Lanka Appala Swamy. … Petitioner

and

The Commissioner of Police,
Visakhapatnam and others. … Respondents

ORDER:

The petitioner seeks to issue a Writ of Mandamus declaring the action of the 2nd respondent in not registering crime against respondents 3 to 5, pursuant to the written intimation made before respondents 1 and 2, as illegal and arbitrary.

It is the case of the petitioner that there are civil disputes between the petitioner and respondents 3 to 5. But, however, in view of the illegal action of respondents 3 to 5, the petitioner made written intimation before the 1st and 2nd respondents. But, however, the 2nd respondent has not registered the crime against respondents 3 to 5.

Whenever any written intimation has been made by the complainant alleging that cognizable offence has been committed and if no crime is registered by the concerned Station House Officer, there is an effective alternative remedy under the code of criminal procedure for filing private complaint under Section 200 Cr.P.C. before the concerned Magistrate.

However, the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.21709 of 2005 and batch, dated 06-02-2007.

Following the said judgment, this writ petition is dismissed. However, it is open for the petitioner to approach concerned Criminal

Court for filing private complaint. There shall be no order as to costs.

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30-04-2007

Prv